

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

McNEIL NUTRITIONALS, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-69-GMS
	)	
THE SUGAR ASSOCIATION, THE	)	
AMALGAMATED SUGAR COMPANY,	)	
AMERICAN CRYSTAL SUGAR COMPANY,	)	
AMERICAN SUGAR CANE LEAGUE,	)	
AMERICAN SUGAR REFINING, INC.,	)	
ATLANTIC SUGAR ASSOCIATION,	)	
HAWAIIAN SUGAR & TRANSPORTATION	)	
COOPERATIVE, IMPERIAL SUGAR	)	
COMPANY, MICHIGAN SUGAR COMPANY,	)	
MINN-DAK FARMERS COOPERATIVE,	)	
OKEELANTA CORPORATION, OSCEOLA	)	
FARMS COMPANY, RIO GRANDE VALLEY	)	
SUGAR GROWERS, INC., SOUTHERN	)	
MINNESOTA BEET SUGAR COOPERATIVE,	)	
SUGAR CANE GROWERS COOPERATIVE OF	)	
FLORIDA, UNITED STATES SUGAR	)	
CORPORATION, WESTERN SUGAR	)	
COOPERATIVE, WYOMING SUGAR LLC,	)	
AMERICAN SUGARBEET GROWERS	)	
ASSOCIATION, and QORVIS	)	
COMMUNICATIONS, LLC,	)	
	)	
Defendants.	)	

**DECLARATION OF STEVEN A. ZALESIN**

STEVEN A. ZALESIN, under penalty of perjury, declares as follows:

1. I am a member of Patterson, Belknap, Webb & Tyler LLP and am lead counsel to plaintiff McNeil Nutritionals, LLC ("McNeil") herein. I submit this declaration in support of McNeil's Motion for Enlargement of Briefing Schedule in Order to Permit Discovery Necessary to Respond to Motion to Dismiss (D.I. 30).

2. Attached as **Exhibit 1** is a true and correct copy of a press release issued by defendant Qorvis Communications concerning the “Truth About Splenda” website.

3. Attached as **Exhibit 2** is a true and correct copy of the home page for the “Truth About Splenda” website as it appeared on April 15, 2005.

4. Attached as **Exhibit 3** is a true and correct copy of an excerpt from defendant The Sugar Association’s website. The pages can be found at <http://www.sugar.org/wwa/history.html>, <http://www.sugar.org/wwa/board.html>, and <http://www.sugar.org/wwa/company.html>, and <http://www.sugar.org/wwa/staff.html>.

5. Attached as **Exhibit 4** is a true and correct copy defendant American Crystal Sugar Company’s 2004 Annual Report.

6. Attached as **Exhibit 5** is a true and correct copy of a page from defendant United States Sugar Company’s website, which can be found at <http://www.ussugar.com/company/agribusiness.html>.

7. Attached as **Exhibit 6** is a true and correct copy of defendant Imperial Sugar Company’s 2004 Annual Report, including its fiscal year ending 2004 10-K filing with the Securities and Exchange Commission.

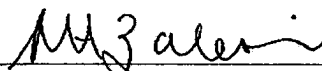
8. Attached as **Exhibit 7** is a true and correct copy of Declaration of Andrew C. Briscoe III submitted in support of defendants’ motion to dismiss.

9. Attached as **Exhibit 8** is a true and correct copy of Plaintiff’s First Set of Requests to Defendant The Sugar Association for the Production of Documents and Things.

10. Attached as **Exhibit 9** is a true and correct copy of Plaintiff's First Set of Requests to Defendant American Crystal Sugar Company for the Production of Documents and Things. Similar requests have been served upon all 15 defendants who contest *in personam* jurisdiction.

I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed at Briarcliff Manor, New York this 16<sup>th</sup> day of April, 2005.

  
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Steven A. Zalesin

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of April, 2005, the attached **DECLARATION OF STEVEN A. ZALESIN** was served upon the below-named counsel of record at the address and in the manner indicated:

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**VIA FEDERAL EXPRESS**

*/s/ John G. Day*

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John G. Day